UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL A. KAPLY, AARON K. REED
and CRISTI N. ULLMANN

Appeal No. 2006-1492
Application No. 09/884,489

ON BRIEF

Before HAIRSTON, KRASS, and BARRY, *Administrative Patent Judges*.

KRASS, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1-5, 8-10, 16-20, 22-28, 31-33, 39-43, 45, and 46.

The invention pertains to disabling histories in a browser, best illustrated by reference to representative independent claim 1, reproduced as follows:

1. A method in a data processing system for disabling collection of history information on a browser, the method comprising:

receiving a user input, wherein the user input is the entry of a selected user identification; and

responsive to receiving the user input, disabling history recording processes associated with the browser for an identified session, wherein the identified session is identified based on the selected user identification.

The examiner relies on the following references:

Janis et al (Janis) 5,155,850 Oct. 13, 1992

HistoryKill (published Mar. 4, 2000), [http://web.archive.org/web/20000304120647//http://www.historykill.com]

SurfSmart! (published Oct. 18, 2000), [http://web.archive.org/web/20001018074520/http://cexx.org/gofaster:html]

Claims 1-5, 8-10, 16-20, 22-28, 31-33, 39-43, 45, and 46 stand rejected under 35 U.S.C. § 103. As evidence of obviousness, the examiner offers SurfSmart, HistoryKill and Janis with regard to claims 1-5, 8-10, 20, 24-28, 31-33, and 43. With regard to claims 18, 19, 23, 41, 42, and 46, the examiner offers HistoryKill, adding Janis with regard to claims 16, 17, 22, 39, 40, and 45.

Reference is made to the briefs and answer for the respective positions of appellants and the examiner.

OPINION

With regard to the rejection of independent claims 1, 20, 24, and 43, it is the examiner's position that SurfSmart teaches, at page 3, receiving user input and responsive to that input, disabling the history recording processes associated with the browser.

The examiner recognized that SurfSmart does not teach that the user input is the entry of a selected user identification, but the examiner turns to page 1 of HistoryKill for such a teaching. The examiner concludes that it would have been obvious to modify SurfSmart with this teaching of HistoryKill because it would have been "desirable to have used the user identification of HistoryKill to have personalized the disabling of history recording processes for each user of SurfSmart" (answer-page 4).

The examiner also recognized that SurfSmart does not teach that a session is identified based on the selected user identification, but turns to Janis for such a teaching,

specifically indicating the abstract, Figure 3, column 2, lines 35-56, and column 5, line 34 through column 6, line 38. The examiner concludes that it would have been obvious to have incorporated the history recording inclusion and exclusion of Janis in order to improve SurfSmart "so that only history recording desired by the user was saved as is taught by Janis in col. 2 lines 24-56" (answer-page 5).

We have reviewed the examiner's rationale, as well as the disclosures of the applied references, and the arguments of appellants and we conclude that the examiner has established a prima facie case of obviousness with regard to claims 1-5, 8-10, 20, 24-28, 31-33, and 43. Accordingly, we will sustain the rejection of these claims under 35 U.S.C. § 103.

Taking independent claim 1 as exemplary, we find that SurfSmart does describe a method for disabling a collection of history information on a browser by receiving a user input. This is borne out at page 3 of the reference wherein it is disclosed that "you can just delete these files to clear your browsing

history. Alternatively, you can instruct your browser not to save history information in the first place." But, as the examiner recognized, SurfSmart does not indicate anywhere that this user input is "the entry of a selected user identification."

HistoryKill does appear to disclose selective disabling or erasing of history information on a browser and while there is a dearth of disclosure, the Figure on page 1 does appear to permit a designation of a user name so one might say that there is a receipt of a user input and that input is the entry of a selected user identification. Moreover, as is apparent from the Figure on page 1 of HistoryKill, the combination of user identification input and an appropriate box checked, e.g., "History file," will delete the elements of the checked box e.g., "History file" when the "Kill" button is clicked.

The examiner relies on Janis for disabling history recording processes associated with the browser for an identified session, responsive to receiving the user input and wherein the identified session is identified based on the selected user identification, as claimed.

In Janis, a user specifies that only selected activities which occur within a certain date-time frame shall be recorded. We agree with appellants' argument, at page 4 of the reply brief, that Janis does not describe that a document history log is associated with an identified user, so there is no "selected user identification," as claimed. Moreover, since there is no selected user identification in Janis, Janis cannot disclose disabling history recording processes associated with the browser for an identified session, wherein the identified session is identified based on the selected user identification, as in claims 1, 24, and 43.

However, in our view, Janis is not necessary for a proper rejection of the claims under 35 U.S.C. § 103.

The examiner and appellants appear to be reading "an identified session" in claim 1, for example, as denoting that there is a plurality of sessions to choose from and the history recording processes associated with that one identified session

is disabled. However, in HistoryKill, the session for the user identified on the Screen Capture on page 1 is disabled, or deleted, so that the history of where that user has been surfing is erased.

That would be enough to defeat the instant claimed subject matter. While appellants clearly intend for there to be a plurality of sessions and that a user may identify one such session for disablement, the broad language of instant claim 1, for example, does not require that. The claimed "identified session" may very well be the single session erased or disabled in HistoryKill. Thus, when one enters a user name and checks one of the boxes, e.g., "History file," in the Screen Capture of HistoryKill, and then clicks on the "Kill" button, all of the history file will be deleted. But "all" of this history file would be the claimed "identified session." An identified session may constitute, broadly, an entire session. Since HistoryKill employs a user ID to effectuate the disablement, or deletion, it is clear that the identified session is "based on the selected user identification, as claimed.

While appellants argue (principal brief-page 13) that HistoryKill makes no reference to identification of sessions based on the selected user identification," it is clear to us that HistoryKill does teach this since a single, or complete session may constitute an "identification of sessions." If there is only one session, then that session has been identified.

At page 3 of the reply brief, appellants argue that independent claims 1, 16, 24, 39, 43, and 45 include collecting history information on a browser "for multiple browser sessions, such as different times/dates, for each identified user." We find no such limitation of "multiple browser sessions" in these claims. Arguments directed to non-claimed limitations are not persuasive of nonobviousness of the claimed subject matter. The instant claims do not appear to preclude a single browser session, as described by HistoryKill.

With regard to the rejection of claims 18, 19, 23, 41, 42, and 46, based on HistoryKill, alone, appellants argue (principal brief-page 17) that HistoryKill does not teach or suggest that an identified user may select a domain from a list of identified

domains for a browser session in order to discard history information for the selected domain based on a selected user identification. Thus, appellants are arguing that claim 18 discards history information for a selected domain based on a selected user identification, but HistoryKill makes no reference to selecting a domain from a list of identified domains based on selected user identification.

We disagree with appellants. Again, there is no reason why an entire domain in HistoryKill, e.g., the "domain of "History files," cannot be the "identified" domain. Thus, in HistoryKill, the selection of the box "History files" constitutes a domain selection. Moreover, this domain is selected from a list of identified domains based on selected user identification because the user enters the ID information on the Screen Capture in HistoryKill and it is this user ID, along with the checked box of the domain of interest, that permits the disablement, or deletion, when the "Kill" button is clicked.

Accordingly, we will sustain the rejection of claims 18, 19, 23, 41, 42, and 46 under 35 U.S.C. § 103.

With regard to the rejection of claims 16, 17, 22, 39, 40, and 45, appellants make the same argument about the combination of HistoryKill and Janis not teaching the identified session is identified based on the selected user identification (principal brief-page 16). For the reasons supra, we disagree and we will also sustain the rejection of these claims under 35 U.S.C. § 103.

The examiner's decision rejecting claims 1-5, 8-10, 16-20, 22-28, 31-33, 39-43, 45, and 46 under 35 U.S.C. § 103 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a)(1)(iv).

AFFIRMED

KENNETH W. HAIRSTON)
Administrative Patent Judge)
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) BOARD OF PATENT
ERROL A. KRASS)
Administrative Patent Judge) APPEALS AND
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